

IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE	*	BEFORE THE
N/S Reisterstown Rd., 33 ft. NW	*	ZONING COMMISSIONER
of c/l Timber Grove Road	*	
11515 Reisterstown Road -	*	OF BALTIMORE COUNTY
Fuddruckers	*	
4th Election District	*	Case No. 95-101-SPHA
3rd Councilmanic District	*	
George Antonis, et ux	*	
Petitioners	*	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for the property located at 11515 Reisterstown Road in the Reisterstown section of Baltimore County. The Petitions are filed by George Antonis and Athena Antonis, property owners. As to the Petition for Special Hearing, approval is sought for commercial parking in a residential zone and commercial access from Timber Grove Road to the subject property through a residential zone. As to the variance request, relief is sought from Section 409.8.A.4 of the Baltimore County Zoning Regulations (BCZR) to allow a 0 ft. setback in lieu of the required 10 ft. and from Section 1B01.1.B.1.e.(5) of the BCZR to allow a parking lot setback of 50 ft. in lieu of the required 75 ft. The subject property and requested relief are all as more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Variance.

Appearing at the requisite public hearing held for this case was Dean Antonis and Stanley Antonis, Cathy Antonis Parr and Athena Antonis, property owners. Also appearing on behalf of the Petition was Sandra C. Smith, the Executive Director of the Reisterstown/Owings Mills/Glyndon Chamber of Commerce and Stephen Weber, from the Baltimore County Department of Traffic Engineering. Also present was David Thaler and Alan Scoll from D.S. Thaler and Associates, Inc., the engineering firm which prepared the site plan.

MICROFILMED

10/26/98
Jm. Hark
by

The Petitioners were represented by A.J. Szczerbicki, Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject site is 1.55 net acres in area and is located at the intersections of Reisterstown Road (Md. Route 140), Timber Grove Road and Delight Road. The property is split zoned into five different zoning classifications. The predominant zoning is B.L.-C.N.S., which occupies much of the frontage of the property on Reisterstown Road. A large portion of the rear of the site is zoned D.R.3.5. The other zoning classifications which comprise the balance of the site are D.R.16, R.O. and B.L.

The site is presently improved with a tavern which is known as the 15 Mile House. This business has been at this location for many years and is well known in the area. Captain Harvey's Restaurant exists nearby and other commercial/retail uses are nearby the subject site on Reisterstown Road.

The Petitioners propose razing the existing structure and replacing same with a Fuddruckers Restaurant. Fuddruckers is a national chain family restaurant which presently does not have any franchises in Baltimore County. However, there are locations in the Baltimore Metropolitan area including one in downtown Baltimore City and another in Annapolis. The Fuddruckers Restaurant chain specializes in hamburgers and similar foods and is geared towards families with young children. Beer and wine are also served. The contemplated hours of operation of the restaurant would be approximately 11:00 A.M. through 10:00 P.M. on weekdays and 11:00 A.M. thru 11:00 P.M. on weekends.

Sandra C. Smith, the Executive Director of the Glyndon/Reisterstown/Owings Mills Chamber of Commerce testified in support of the Petitions.

She noted that her organization includes business and individuals members from throughout the area who are supportive of the project. In her view, this is a much preferable use than the existing tavern.

Dean Antonis, a member of the family which will operate the Fuddruckers franchise also testified. He presently operates a Fuddruckers franchise in Bloomfield, Michigan. He described the restaurant use and noted how same was geared towards young families and children. He believes that the proposed restaurant will be an asset to the community.

Also testifying was Stephen Weber from Baltimore County's Office of Traffic Engineering. Mr. Weber noted vehicular access to the site is presently by way of an in and out curb cut on Reisterstown Road and an access point on Timber Grove Road. Timber Grove Road runs along the north side of the property. Timber Grove Road leads from Reisterstown Road past the rear of the site towards a residential community. Apparently, the future of this road has been the subject of much debate among the County's engineers, the Petitioners herein and the neighbors. Three options currently exist as to the future of Timber Grove Road. The most preferable, it would seem, would be to close that part of the road so that same is no longer a thru street. A "T" turnaround area would be installed where Timber Grove Road would be terminated adjacent to the rear of the site. The front portion of Timber Grove Road leading from Reisterstown Road would then serve as a driveway to the subject property. Moreover, the existing curb cut directly into the site from Reisterstown Road would be eliminated. This would seem to be the best alternative as it would prevent traffic from entering the residential communities to the rear. Moreover, it would eliminate another curb cut access point from Reisterstown Road. In fact, Mr. Weber indicated that the residents of the area were surveyed several years ago and they

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10/20/90
Mr. [Signature]

supported this alternative. The County is presently conducting another survey to determine if the community continues to support the closure of Timber Grove Road.

A second alternative would be to keep Timber Grove Road in its present configuration. At this time, the road is one way leading out from the community and onto Reisterstown Road. Obviously, adopting this alternative would prohibit access to the site by vehicles on Reisterstown Road through Timber Grove Road. The third alternative would be to make Timber Grove Road two directions from Reisterstown Road to the entrance to the site. For the balance of the road leading to the community, the one way out direction would remain.

Also testifying was David Thaler, the engineer who designed the plan. He amplified Mr. Weber's testimony about the traffic issues as outlined above. He corroborated Mr. Weber's opinion that the most preferable design would be to close Timber Grove Road. He also noted that Fuddruckers needs more parking spaces than is required under the parking regulations. He noted that this use is a high traffic operation and that this site would be redeveloped to contain sufficient parking spaces so as not to adversely affect traffic patterns and parking areas in the locale. Due to these changes, it is necessary that the special hearing be granted. Specifically, commercial parking for the restaurant must be placed, in part, in the residentially zoned portion of the track zoned D.R.3.5. Moreover, access from Timber Grove Road will pass through the D.R.3.5 zoned portion of the property.

In my view, the Petition for Special Hearing should be granted. Redevelopment of the site is entirely appropriate and clearly not detrimental to the health, safety or general welfare of the locale. The uncontradicted

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10/26/94
BY: Mr. G. G. G. G.

testimony was convincing that special hearing relief was appropriate and complies with all of the standards set forth in Section 502.1 of the BCZR.

As to the variances, Mr. Thaler noted that the 0 ft. setback, in lieu of 10 ft right of way setback, may not be necessary depending on the ultimate configuration of Timber Grove Road. If Timber Grove Road is closed or one way, 60 ft. right of way need not be maintained by the County, from which the setback is measured. Only if the road proceeds in both directions will the variance relief be required. Moreover, Mr. Thaler testified that a grant of the variance, if needed, is necessary to develop the site. He opined that the requirements contained in Section 307 of the BCZR are satisfied as to this request. Specifically, he noted that the need for parking and traffic patterns shown on the site plan constitute a practical difficulty if the variance relief were denied. Moreover, the relief is entirely within the spirit and intent of the regulations.

As to the other variance, relating to the parking lot setback, Mr. Thaler noted that the regulations require a 50 ft. buffer and 75 ft. setback from the parking lot to the residential area. In this regard, the full buffer is being maintained. In fact, the plan shows that significant landscaping will be installed within the buffer area. It is clear that the maintenance of this buffer as shown is sufficient to satisfy the spirit and intent of the regulations. Moreover, an elimination of the necessary parking area would be inappropriate and cause practical difficulty on the Petitioners. For this reasons, I shall grant this variance relief as well.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

ORDER RECEIVED FOR FILING

Date

By

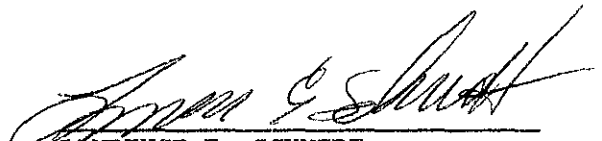
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of October, 1994, that, pursuant to the Petition for Special Hearing, approval for commercial parking in a residential zone and commercial access from Timber Grove Road to the subject property through a residential zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 of the Baltimore County Zoning Regulations (BCZR) to allow a 0 ft. setback, in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.1.B.1.e.(5) of the BCZR to allow a parking lot setback of 50 ft., in lieu of the required 75 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The variance relief granted herein is provided irrespective of what site plan is ultimately selected by the Petitioners for development. That is, the granting of the special hearing and variances herein shall be approved irrespective of whether Timber Grove Road is closed, is kept one way throughout its length, or allows two way traffic from Reisterstown Road to its point of access at the subject site.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING

Date

By

LES:mmm

95-101-SQHA

August 24, 1994

PROPERTY DESCRIPTION
(for Zoning Purposes only)

FUDDRUCKERS

100

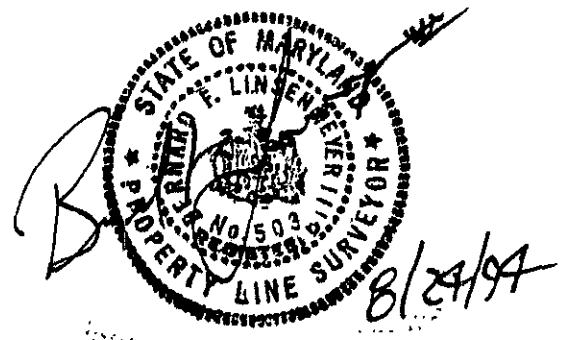
(also known as 11515 Reisterstown Road)

Beginning for the same at a point on the north side of Reisterstown Road, a sixty (66) foot right-of-way at approximately 33 feet northwest of the centerline intersection of Timber Grove Road and Reisterstown Road; thence running the following seven (7) courses and distances:

1. North 46°32'00" East 88.42 feet to a point; thence,
2. North 64°09'08" East 35.33 feet to a point; thence,
3. North 75°36'23" East 47.56 feet to a point; thence,
4. North 82°11'20" East 166.30 feet to a point; thence,
5. South 43°42'04" East 170.00 feet to a point; thence,
6. South 42°41'18" West 295.93 feet to a point; thence,
7. North 44°13'20" West 320.62 feet to the point or beginning.

Containing approximately 1.84 acres of land, more or less.

Located in the Fourth Election District.



MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 25, 1994

A.J. Szczerbicki, Esquire
401 Washington Avenue
Towson, Maryland 21204

RE: Case No. 95-101-SPHA
Petitions for Special Hearing and Variance
George Antonis, et ux, et al, Petitioners

Dear Mr. Szczerbicki:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variances have been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.

cc: George and Athena Antonis
cc: Sandra C. Smith, Exec. Director
cc: Stephen Weber, Dept. of Traffic Engineering
cc: D.S. Thaler and Assoc., Inc.

RECEIVED
OCT 27 1994





Petition for Special Hearing

95-101-SPHA
to the Zoning Commissioner of Baltimore County

for the property located at 11515 Reisterstown Road

which is presently zoned DR-3.5, DR-16,
RQ, BL, BL-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(1) commercial parking in a residential zone and (2) commercial access from Timber Grove Road through a residential zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

A.J. Szczerbicki
(Type or Print Name)

Signature

401 Washington Avenue 337-8068

Address

Towson
City

MD
State

21204
Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

George Antonis
(Type or Print Name)

George Antonis
Signature

Athena Antonis
(Type or Print Name)

Athena Antonis
Signature

1105 Old Hanover Rd. 833-8888
Address Phone No.

Reisterstown, Md. 21136
City State Zipcode

Name, Address and phone number of representative to be contacted.

D.S. Thaler & Associates, Inc.
c/o Alan E. Scoll, R.L.A.

Name

7115 Ambassador Road, Balto. MD 944-3647
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL ☒ OTHER ☐

REVIEWED BY: [Signature] DATE 9-12-94



100



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11515 Reisterstown Road

which is presently zoned DR-3.5, DR-16, RO,
BL, BL-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

409.8.A.4 to allow a zero foot setback in lieu of the 10 foot right-of-way setback normally required and 1B01.1.B.1.e.(5) to allow a parking lot setback of 50 feet in lieu of the 75 foot setback ~~normally~~ required.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See attached Addendum.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

A.J. Szczerbicki

(Type or Print Name)

Signature

401 Washington Avenue 337-8068

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

George Antonis

(Type or Print Name)

George Antonis

Signature

Athena Antonis

(Type or Print Name)

Athena Antonis

Signature

13105 Old Hanover Rd. 833-8894

Address

Phone No.

Reisterstown, Md. 21136

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

D.S. Thaler & Associates, Inc.

c/o Alan E. Scoll, R.L.A.

Name

7115 Ambassador Road, Balto. MD 944-3647

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL ☒

OTHER

REVIEWED BY: JAH

DATE 7-12-94



Printed with Soybean Ink
on Recycled Paper

MICROFILMED



100

95-101-SPHA

100Addendum

Practical difficulty based on the following criteria:

(i) Strict compliance with the setback requirements referred to in §§ 409.8.A.4 and 1B01.1.B.1.e.5 would render compliance with these sections unnecessarily burdensome to both the public and your petitioner; and

(ii) The grant of the variances applied for would do substantial justice to the other property owners in the area and your petitioner; and

(iii) A grant of the variances applied for will be consistent with the spirit of the zoning regulations referred to herein and enhance the both safety and welfare of the public.

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

9B-101-5174A

District *4th*

Date of Posting *9/30/94*

Posted for: *Special Hearing & Variance*

Petitioner: *George & Athena Antonis*

Location of property: *11575 Reisterstown Rd, N/S*

Location of Signs: *Facing road way on property being zoned*

Remarks: _____

Posted by *M. J. Healy*
Signature

Date of return: *10/7/94*

Number of Signs: *2*

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Baltimore, Maryland 21204 as follows:

Case: #95-101-SPHA
(Item 100)

11515 Reisterstown Road -
(Pudduckers)

N/S Reisterstown Road,
33 NW of c/Timber Grove
Road

4th Election District

3rd Councilmanic

Petitioner(s):

George & Athena Antonis

Hearing: Monday

October 17, 1994 at 11:00
a.m. in Rm. 118, Old
Courthouse.

Special Hearing to approve commercial parking in a residential zone and commercial access from Timber Grove Road through a residential zone. Variance to allow a zero foot setback in lieu of the 10-foot right-of-way setback normally required; and to allow a parking lot setback of 50 feet in lieu of the 75-foot setback required.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the file and/or Hearing, Please
Call 887-3381.
9/358 - Sept. 29.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Sept. 30, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 29, 1994.

THE JEFFERSONIAN,

A. Horvick
LEGAL AD. - TOWSON

Publication

MICROFILMED



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-101-SRHA

Account: R-001-6150

Date 9-12-94

Item Number # 100

Taken in by: *[Signature]*

Owner: George Antonis

Site: 11515 Reisterstown Rd.

040	Special Hearing filing fee	250.00
20	Commercial Variance filing fee	280.00
080	Sign & Posting	35.00

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Total - \$535.00

03A03N012BMICHR

\$535.00

Please Make Checks Payable To: Baltimore County

PA 0909:05AM09-14-94

Cashier Validation

TO: PUTUXENT PUBLISHING COMPANY
September 29, 1994 Issue - Jeffersonian

Please forward billing to:

A. J. Szczerbicki, Esq.
401 Washington Avenue
Towson, Maryland 21204
337-8068

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-101-SPHA (Item 100)
11515 Reisterstown Road - (Fuddruckers)
N/S Reisterstown Road, 33' NW of c/l Timber Grove Road
4th Election District - 3rd Councilmanic
HEARING: MONDAY, OCTOBER 17, 1994 at 11:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve commercial parking in a residential zone and commercial access from Timber Grove Road through a residential zone.
Variance to allow a zero foot setback in lieu of the 10-foot right-of-way setback normally required; and to allow a parking lot setback of 50 feet in lieu of the 75-foot setback required.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEPTEMBER 23, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-101-SPHA (Item 100)
11515 Reisterstown Road - (Puddruckers)
N/S Reisterstown Road, 33' NW of c/l Timber Grove Road
4th Election District - 3rd Councilmanic
HEARING: MONDAY, OCTOBER 17, 1994 at 11:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve commercial parking in a residential zone and commercial access from Timber Grove Road through a residential zone.
Variance to allow a zero foot setback in lieu of the 10-foot right-of-way setback normally required; and to allow a parking lot setback of 50 feet in lieu of the 75-foot setback required.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: George and Athepa Antonis
D. S. Thaler & Associates, Inc.
A. J. Szczerbicki, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

NOTED
OCT 17 1994



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

A. J. Szczerbicki
401 Washington Ave.
Towson, Maryland 21204

RE: Item No. 100 Case No.95-101

Petitioner: George Anthonis

Dear Petitioner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 12, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours

W. Carl Richards, Jr.
Zoning Supervisor



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: October 3, 1994
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for October 3, 1994
Item No. 100

The Developers Engineering Section has reviewed the subject zoning item. This site is located along State Route 140, Reisterstown Road and all improvements, intersections, entrances, drainage requirements and construction affecting the State road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

The proposed entrance on Timber Grove Road is subject to Baltimore County Dept. of Public Works Standard Plate R-32, Single Commercial Entrance, specifically Note 2 - "Skewed entrances will be permitted only on divided highways."

Also, the existing 8-inch sanitary sewer on the site is located in a 10-foot right-of-way strip.

This site is subject to future development plan comments.

Granting the 10-foot right-of-way setback variance will negatively impact the landscape treatment along Timber Grove and Reisterstown Roads.

RWB:sw

MICROFILMED

OCT. 4 1994

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 09/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: GEORGE ANTONIS & ATHENA ANTONIS

LOCATION: N/S REISTERSTOWN RD., 33' NW OF CENTERLINE TIMBER GROVE RD.
(11515 REISTERSTOWN RD.)

Item No.: 100

Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

RECEIVED

SEP 27 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: October 4, 1994

SUBJECT: 11515 Reisterstown Road

INFORMATION:

Item Number: 100

Petitioner: George Antonis

Property Size: _____

Zoning: D.R. 3.5, D.R. 16, R.O., B.L. and B.L.A.S.

Requested Action: _____

Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff believes that the proposed restaurant is an appropriate use for the subject property. Community related concerns, however, will have to be addressed.

The Baltimore County Master Plan 1989-2000 identifies Reisterstown Road from Glyndon Drive to the Baltimore beltway as a non-programmed transportation project.

The State Highway Administration (SHA) Highway Needs Inventory, identifies Reisterstown Road from Glyndon Drive to McDonogh Road as a multi-lane reconstruction project.

The Highway Needs Inventory is SHA's long range planning document and lists desirable highway improvements. Identifying a project in the Highway Needs Inventory is not a commitment to construct the project.

The Plan accompanying the zoning petition shows the ultimate right-of-way needed for this future transportation project.

Prepared by: Jeffrey W. Lutz

OCT. 05 1994

Division Chief: Caryl K. Lewis

PK/JL:lw

ZAC.100/PZONE/ZAC1



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

October 11, 1994

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
MD 140
Fuddruckers
11515 Reisterstown Road
Special Hearing
and Variance Request
Item #+100 (JJS)
Mile Post 7.46

Dear Ms. Winiarski:

This office has reviewed the plan for the referenced item and offer the following:

The 80' future right-of-way indicated on the plan is consistent with the State Highway Administration's (SHA) proposed 5 lane/62' urban section roadway improvement project for MD 140 in this area. We request the county require dedication along the property frontage (40' from center of roadway) as a condition of plan approval.

Also, the proposed entrance improvements are generally acceptable to the SHA, subject to the following:

1. Mill and re-surface the existing 25' entrance within SHA right-of-way.
2. Replace the existing bituminous curb and gutter with SHA Type "A" curb and gutter from the southeast property corner to the southernmost P.C. of radius of the existing entrance and from the P.C. of the radius on the northeast side of existing entrance to the P.C. of radius on the southeast corner of Timber Grove Road.

410-333-1350 (Fax# 333-1041)

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Julie Winiarski
Page two
October 11, 1994

In addition, the proposed two way traffic flow for Timber Grove Road will require review and approval from our Traffic Section prior to the issuance of an access permit from this office. We have forwarded a copy of the plan to our Traffic Section for their review and comment.

Therefore, we have no objection to approval of the special hearing and variance request, subject to our aforementioned comments.

Upon this development gaining final approval through Baltimore County's review process, entrance construction shall be subject to the terms and conditions of an access permit to be issued by this office with the following submittals:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection)
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 9/27/94

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 9/26/94

Revised

The Department of Environmental Protection & Resource Management has no
comments for the following Zoning Advisory Committee Items:

Item #'s:

87
100
101
102

LS:sp

LETTY2/DEPRM/TXTSBP

To: Baltimore County Office of Zoning Administration
& Development Management

September 26, 1995

From: Antonis LLC
Developer
Fuddruckers Restaurant
11515 Reisterstown Road
Owings Mills, Maryland. 21117

Re: Zoning Verification For First National Bank of Maryland

BLDG PERMIT# B239301

Dear Mr. Lewis,

This letter is a request for your office to confirm to First National Bank of Maryland that the property at 11515 Reisterstown Road, at the intersection of Timber Grove Road and Reisterstown Road, [see attached Vecinity Map], which is zoned as follows;

DR- 3-5 @ 0.77 Ac+
DR- 16 @ 0.09 Ac+
RO @ 0.27 Ac+
BL @ 0.21 Ac+
BL-CNS @ 0.66 Ac+

along with CASE NO. 95-101-SPHA ORDER [see attached Development Plan] is appropriately zoned for placement of a restaurant operation. Thus, the proposed Fuddruckers Restaurant is an acceptable plan for the use of the property as currently zoned.

Thank you for your kind assistance in this matter.

ATH. E.D.

Sincerely,

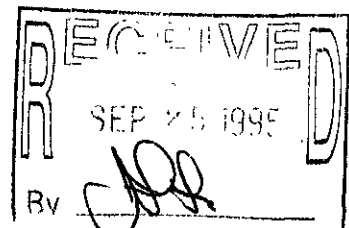
Kathy Antonis LLC
Antonis LLC, Member

9/25/95
THE ABOVE INFORMATION IS AS APPROVED
FOR ZONING REVIEW.

John J. Gable
PLANNER II — DIRECTOR P.D.M.

Speed
Letter

In the interest of speed and economy, we are replying to your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.



P.S.: 1" = 200' SCALE PARTIAL COPY OF 1992 OFFICIAL ZONING MAP NW 14-1
ACCOMPANIES THIS RESPONSE.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
11515 Reisterstown Road, N/S Reisterstown Road, 33' NW of c/l Timber Grove Road, 4th Election Dist.,	*	ZONING COMMISSIONER
3rd Councilmanic	*	OF BALTIMORE COUNTY
	*	CASE NO. 95-101-SPHA
George and Athena Antonis	*	
Petitioners	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 1994, a copy of the foregoing Entry of Appearance was mailed to A.J. Szczerbicki, Esquire, 401 Washington Avenue, Suite 501, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Noted 10/10/94

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Kathy Antonis-Parr

225 Blackhawk Trail
Westminster, Md. 21158

R-OM-6 CHAMBER OF COMMERCE
SANDRA C. SMITH, EX. DIR.

11502 REISTERSTOWN RD
OWINGS MILLS, MD 21117
15 TIMBER GROVE RD.
OWINGS MILLS, MD 21117

ROBERT D. MYERS

BALTO. CO. TRAFFIC ENGR.

STEPHEN WIEBER

Don Antonis

916 Larian Trail, Bloomfield Hill MI 48304
8006 Derby Lane, Owings Mills, Md 21117

Stanley Antonis

Athena Antonis

13105 OLD HANOVER Rd Reist, Md 21136

VANESSA TELIS

14437 Turbridge Ct. Burtonsville, Md. 20866

DAVID THALER

7115 AMBASSADOR RD.

ALAN SCOLL

BALT MD. 21244



